

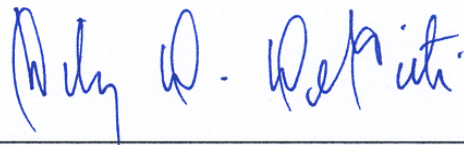
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BILLY A. BURKS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-07-360-D
)	
MICHAEL J. ASTRUE, Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	

JUDGMENT AND ORDER OF REMAND

Upon review of the file, and noting no timely objection to the findings and recommendations of United States Magistrate Judge Valerie K. Couch issued pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 21] in its entirety. For the reasons stated therein, the Court enters judgement reversing the decision of the Commissioner and remanding the case for further administrative proceedings, consistent with the Report and Recommendation, to consider the treating physician opinion of Dr. Tim K. Smalley, to develop the record and evaluate Plaintiff's mental impairments, and to resolve apparent conflicts between testimony of the vocational expert and the Dictionary of Occupational Titles relevant to the step-five determination that Plaintiff can perform jobs that exist in significant numbers in the national economy.

Entered this 18th day of April, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE